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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Marcelino MOLINA-Balderrama** Defendant.	Magistrate Case No. '08 MJ 0952 COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1324(a)(1)(A)(iv)-Inducing and Encouraging Illegal Aliens To Enter the United States

The undersigned complainant being duly sworn states:

On or about **March 27, 2008**, within the Southern District of California, defendant **Marcelino MOLINA-Balderrama**, did encourage and induce an alien, namely **Jacobo FERNANDEZ-Garcia** with the intent to violate the immigration laws of the United States, to come to, enter and reside in the United States, knowing and in reckless disregard of the fact that such coming to, entry and residence in the United States is and will be in violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iv).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **28th** DAY OF **MARCH, 2008.**

UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

The complaint states that **Jacobo FERNANDEZ-Garcia** is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material, that it is impracticable to secure his attendance at the trial thereof by subpoena and that he is a material witness in relation to this criminal charge and should be held or admitted to bail as prescribed in Title 18, United States Code, Section 3144.

On March 27, 2008, at approximately 8:42 AM, **Marcelino MOLINA-Balderrama (Defendant)** made application for admission into the United States at the San Ysidro Port of Entry. Defendant was the driver of a 1988 Subaru GL with two visible passengers. Upon inspection before a Customs and Border Protection (CBP) Officer, Defendant presented a Permanent Resident (I-551) card bearing the name Guadalupe Padilla-Ramirez. Defendant presented an I-551 bearing the name Edgar Martinez-Oceguera on behalf of the male passenger and a Visa bearing the name Laura Natalia Coppel-Villareal for the female passenger. Defendant gave a negative customs declaration and stated they were on their way to Chula Vista, California. The CBP Officer noticed that the image on the Immigrant Visa did not resemble the female passenger. The CBP Officer suspected the passengers were not the rightful owners of the documents and elected to escort the vehicle and its occupants to secondary for further inspection.

In secondary, Defendant was determined to be an impostor to the document he presented. Defendant admitted he is a citizen of Mexico without legal documents to enter the United States. The two passengers were also determined to be imposters to the documents presented on their behalf. The male passenger was determined to be a citizen of Mexico without legal documents to enter the United States and is now identified as **Jacobo FERNANDEZ-Garcia (Material Witness)**.

Defendant was advised of his Miranda rights, acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted a smuggler known as "Jaime" provided him with the documents and the vehicle. Defendant stated he agreed to smuggle the two alien impostors for a monetary compensation of $1,000.00 USD and the vehicle. Defendant stated he was to drop off the aliens in San Ysidro, California and proceed to Riverside, California to seek residence.

During a separate videotaped interview, Material Witness admitted he is a citizen of Mexico by virtue of birth in Puebla, Puebla, Mexico. Material Witness admitted he made arrangements and was to pay $2,000.00 USD to be smuggled into the United States. Material Witness stated he was going to Las Vegas, Nevada to seek residency and employment.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

UNITED STATES MAGISTRATE JUDGE